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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/988,635

11/20/2001

Tullio Gonzaga

R23-002

8806

7590

12/17/2004

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EXAMINER

TRAIL, ALLYSON NEEL

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,635

Applicant(s)

GONZAGA, TULLIO

Examiner

Allyson N Trail

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9, 10 and 12-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 10 and 12-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/15/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the Amendment filed October 14, 2004.

Remarks

2. Allowable subject matter was indicated in the previous office action. The current independent claims were amended to include the indicated allowable subject matter. However, an updated search was conducted and additional art was found that applies to the claims. The Examiner regrets any inconvenience.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, 10, 12, 13, 20-23, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Addy et al (5,965,861) in view of Rhyne (5,616,859).

Addy et al teaches the following in regards to claim 9:

Figure 1 shows a self-service checkout terminal 10, including a processing unit 12, a scanner 14, a video system 16, and a display monitor 18.

"The scanner 14 conventionally scans or reads a product identification code such as a Universal Product Code (UPC), industrial symbol(s),

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alphanumeric character(s), or other indicia associated with an item to be purchased.” (Col. 2, lines 50-53).

”The scanner 14 also includes a light source (not shown) such as a laser, a rotating mirror (not shown) driven by a motor (not shown), and a mirror array (not shown). In operation, a laser beam reflects off the rotating mirror and mirror array to produce a pattern of scanning light beams. As the product identification code on an item is passed over the scanner 14, the scanning light beams scatter off the code and are returned to the scanner 14 where they are collected and detected. The reflected light is then analyzed electronically in order to determine whether the reflected light contains a valid product identification code pattern. If a valid code pattern is present, the product identification code is then converted into pricing information which is then used to determine the cost of the item in a known manner.” (Col. 2, line 61 – Col. 3, line 7).

”If for any reason the scanner 14 cannot read or otherwise determine the bar code associated with the item, a visual error message may be generated on the display monitor 18 as described further below.” (Col. 3, lines 51-55).

The apparatus includes “Video output signals from the video camera 16a are input to the frame grabber 16b. The frame grabber 16b operates to convert the analog video signals from the video camera 16a into a digital image which is stored within a memory 16d for subsequent processing by the video processor 17.” (Col. 3, lines 14-18).

In summary, Addy et al teaches an apparatus for identification of a product. A code detector is used for product identification. The apparatus

includes a memory for storing codes of predetermined products and a comparator for indicating which product has been identified. The apparatus includes a display for displaying product information and a memory access device. The decoder is operatively connected to the access device for storing data and codes in the memory. Lastly, the apparatus includes a discriminator element that is connected to the comparator and the display. If for any reason the scanner cannot read or otherwise determine the bar code associated with the item, a visual error message may be generated on the display monitor.

Addy et al however fails to use the code detector for the identification of tires and further fails to teach the identifying apparatus in association with a tire maintenance machine.

Rhyne teaches the following in regards to claims 9, 10, 12, 13, 20-23, 25 and 26:

“At the tire correction station 140 the tire 40 has an indicator, such as a bar code label or an infrared ink identification which is read and indicates information about the tire 40 to the controller 166.” (Col. 8, lines 60-63).

Figure 6 shows a tire correction center 140, including an air tank 136 and a rim mounter 162.

In view of Rhyne's teachings it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the specific identification apparatus taught by Addy et al in combination with the tire identification and correction station taught by Rhyne. Rhyne teaches identifying specific tire information and correcting the tire in response to the identification.

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Both Rhyne and Addy et al scan products to determine specific information regarding the product. The product being a tire or a box of cereal is irrelevant. One would be motivated to use Addy et al's apparatus in order to have a display, which informs the user that the barcode is not being read correctly. This would be particularly useful for Rhyne so that the tire maintenance worker would know that no information is available via a barcode and would then look up the specific tire information elsewhere.

5. Claims 14-19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Addy et al (5,965,861) in combination with Rhyne (5,616,859) and in further view of Swartz et al (2004/0074971).

Addy et al's teachings in combination with the teachings of Rhyne are discussed above. The combination however fails to teach the decoding apparatus having Internet access.

Swartz et al teaches the following in regards to claims 14-19 and 24:

"The present invention generally relates to a portable instrument for electro-optically reading colored indicia, such as a bar code symbol, a signature, or an object image of any object, and for selectively projecting a bit-mapped display colored image on a viewing surface." (Page 1, paragraph 0004).

"It will be seen that the above teachings relate to any scanner type suitable for hand-held scanning and being essentially portable, capable of reading a bar code symbol or similar information carrying symbol. The information can be downloaded from memory in the hand-held scanner by means of any suitable interface to a personal computer or other access point or

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computer network, and corresponding information called up from an Internet web site or corresponding main memory location.” (Page 6, paragraph 0077).

“As described so far, the instrument has a reading mode in which it can read one- or two-dimensional symbols, and a display mode in which it can project a bit-mapped image on a screen or analogous viewing surface. If the symbol is a URL address, the instrument can be made Web capable to provide Internet browsing via a wireless link. Information from a website can be downloaded into the instrument and displayed by the image projector.” (Page 9, paragraph 0110).

In view of Swartz et al's teachings it would have been obvious to one of ordinary skill in the art at the time the invention was made to include in the identification apparatus taught by Addy et al in combination with Rhyne access to the Internet. One would be motivated to include Internet access in order to obtain additional information about the product being scanned. Additionally, if no barcode is detected, the Internet may be used to gain the needed information to perform tire maintenance.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Matsumori (6,179,206), Ogasawara (6,512,919), Irie (5,928,675), McClelland et al (2004/0183665), Kinoshita et al (6,362,443), and Kimijima (6,173,892).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is

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(571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.trail@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Allyson N. Trail
Patent Examiner
Art Unit 2876
December 13, 2003

Jared J. Fureman
JARED J. FUREMAN
PRIMARY EXAMINER